

MISSISSIPPI HEALTH INFORMATION NETWORK

Bylaws

Per Miss. Code §41-119-1 through 41-119-21 the Mississippi Health Information Network (MS-HIN) in conjunction with the Office of the Governor, shall have the sole authority to promulgate rules and regulation governing the operations of the MS-HIN and shall be vested with all legal authority necessary and proper to perform this function, to establish policies, procedures and standards which shall be incorporated into a comprehensive management plan for the operation of a statewide health information network and to exercise any power necessary to carry out the intent of the statute.

ARTICLE I

Officers and Personnel

Section 1. Officers.

The officers of the MS-HIN board shall be a Chairperson and a Vice Chairperson.

Section 2. Chairperson.

The Chairperson shall be elected by the members of the MS-HIN board and serve a one year term. The Chairperson shall preside at all meetings of the MS-HIN board; co-sign all contracts, deeds and other instruments made by the MS-HIN board when required by federal or state regulations; and perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the MS-HIN board from time to time.

Section 3. Vice Chairperson.

The Vice Chairperson shall be elected by the members of the MS-HIN board and serve a one year term. The Vice Chair person shall perform the duties of the Chairperson in the absence, incapacity or inability of the Chairperson to act.

Section 4. Rights of Membership.

Only the member appointed to the MS-HIN Board is eligible to vote. In their absence, the member can send a proxy, but they do not have voting privileges.

Section 5. Vacancy in Office.

Should it be determined by the Office of the Governor or the Executive Director of MS-HIN that a vacancy exists in the office of Chairperson, the MS-HIN board members shall be notified and a meeting shall be called to hold an election to fill the office of Chairperson. The Vice Chairperson shall serve as the interim Chairperson until a new Chairperson is elected.

Should the office of Vice Chairperson become vacant, the Chairperson shall notify the members of MS-HIN board and a new Vice Chairperson shall be elected at the next scheduled meeting.

Any member can resign from the Board by submitting a resignation letter to the Chairperson and to the designating entity. The appointing entity shall as soon as practical or within 30 days send a letter to the Chairperson appointing the new member. The newly appointed member shall serve out the remaining period of the resigning member's term.

Section 6. Executive Director.

The members of the MS-HIN board shall appoint an Executive Director to serve at the will and pleasure of MS-HIN. The Executive Director may not concurrently serve as a member of the MS-HIN board. The Executive Director shall be the secretary of the MS-HIN board and shall be responsible to the members of MS-HIN board and subject to the policies and directions of the MS-HIN board, shall exercise control over the administration of the MS-HIN and the execution of MS-HIN policies. The Executive Director shall co-sign all contracts and other documents approved by the MS-HIN unless federal or state regulations require otherwise; appoint, propose annual budget for operation of the MS-HIN including funding authorized by State Legislature, private grants, fees and other; remove, discipline and supervise the MS-HIN personnel; supply the MS-HIN board with such information and recommendations as may be necessary or may be requested by the MS-HIN board; authorize and certify payroll, requisitions and other documents related to financial affairs of the MS-HIN; provide monthly statements of current operation budget status and perform such other duties as may from time to time be prescribed for the Executive Director by the MS-HIN board. The salary of the Executive Director shall be negotiated by the Chairperson and approved by the members of the MS-HIN board. The Executive Director shall attend all meetings of the MS-HIN board, maintain all records and be the custodian of the official records of the MS-HIN.

Section 7. Support Staff.

The Executive Director shall bring to the members of the MS-HIN recommendation for staff. Upon approval by the members of MS-HIN board, the Executive Director shall have the authority to recruit, interview, hire, dismiss and set salary for those individual positions pursuant to the rules and regulations of the State Personnel Board.

ARTICLE II

MEETINGS

Section 1. Regular Meetings.

Regular meetings shall be conducted on the third Wednesday of every month beginning at 3:00 PM and shall be announced by the Chairperson. Public notice shall be given for each meeting as required by state law.

Section 2. Special Meetings.

Special meetings may be called at any time by the Chairperson. The Chairperson shall give 48 hour notice and specify the time, place and the business to be transacted. No other business shall be considered at such meetings.

Section 3. Public Meetings.

All regular and special meetings of the MS-HIN board shall be open to the public except for executive session.

Section 4. Quorum

As set by §41-119-5(6) a quorum shall consist of six (6) members of the MS-HIN board.

Section 5. Voting.

Voting on all matters shall be by voice vote or by roll call and the yeas and nays shall be entered in the minutes of the meeting. All actions shall require a majority vote of the members present provided a quorum is present. The Chairperson will have a vote on all measure before the MS-HIN board. The Chairperson may not make or second motions.

Section 6. Rules and Order.

The MS-HIN board shall follow Robert's Rules of Order.

ARTICLE III

COMMITTEE STRUCTURE

Section 1. Committees and Appointments.

The following standing committees will be appointed by the Chairperson and approved by MS-HIN board: Finance, Infrastructure, Business and Technical Operations, Legal and Policy and Governance. Each standing committee will consist of a minimum of one member coming from the MS-HIN board. The terms of the standing committees shall be the same as the Chairperson. Ad hoc committees may be appointed by the Chairperson and approved by the MS-HIN board on an as need basis.

ARTICLE IV

EXPENDITURES

Section 1. Approval of Expenditures and Contracts.

ARTICLE V

PUBLIC RECORDS

Proposals, books, records, papers, or other documentary materials, regardless of physical form or characteristics, in use, prepared, possessed or retained by the MS-HIN for use in the conduct of its business are public records under Mississippi law and are subject to disclosure to any person making a request thereof, according to the procedures documented below.

Section 1. Submission of Requests.

All requests for information under the Public Records Act must be submitted in writing to:

Executive Director
Mailing address?

RE: PUBLIC RECORDS REQUEST

Please Note: No verbal or telephone requests can be accepted for either standard documents or special requests. Because payment must be submitted with the request, no email requests can be accepted.

For documents listed on the attached Schedule of Fees under "Standard Documents," each request must be accompanied by payment in the amount specified on the payment schedule.

For any special request (i.e. any request for information not included in the list of Standard Documents), the request must be accompanied by payment in the amount of \$60 to cover the first hour of staff time involved in evaluation and research of the request. This payment is non-refundable and is applied toward the total actual cost of filling the public records request.

Requests not accompanied by payment in the amount specified for Standard Documents or in the amount of \$60 for special requests will be closed within ten (10) Working Days of the date of notification to the requestor, if payment is not received. "Working Days" as used herein means Monday through Friday but excludes State recognized holidays mandated by Mississippi Code Annotated, Section 3-3-7 (1972), other holidays identified in holiday proclamations published or distributed by the Mississippi Secretary of State, and any other day the offices of state agencies are officially closed for business.

Section 2. Timetable for Processing.

Upon receipt of a written request accompanied by the appropriate initial payment as described above, the MS-HIN will provide the requested Standard Document within seven (7) Working Days, or, for special requests, will furnish the requestor within seven (7) Working Days a cost estimate and projected schedule for providing the information included in the request. When payment in the amount of the estimated remaining balance is received from the requestor, MS-HIN will provide the requested information.

The MS-HIN staff will make a good faith effort to provide the requested information within 14 Working Days after payment is received. Note, however, that if Third Party Information is requested, additional time will be required to notify the Third Party and to provide this party the opportunity to protect any confidential information. The MS-HIN cannot accept payment for the balance of the

request until the deadline for obtaining a court order to block release of Third Party Information has passed. (See discussion of Third Party Information below).

Section 3. Information on Proposal Results.

All information and documents applicable to a request for proposals and awarded contracts, including proposals received, will be available to any business or person via the submission of a public records request as outlined in this policy. Proposal information will be handled as described below under Third Party Information.

Section 4. Third Party Information.

The MS-HIN receives certain information from Third Parties that may be confidential. In compliance with the Mississippi Public Records Act of 1983 [Section 25-61-9(1), Mississippi Code Ann. 1972, as amended], trade secrets or confidential commercial or financial information is not released until notice has been given to the party submitting the information. When the MS-HIN receives a request to release Third Party Information, the owner of this information is notified of the name and address of the party requesting the information and the nature of the information requested. The requestor also receives a copy of this notification. The owner of the information is given ten (10) Working Days to obtain a court order protecting the information as confidential. This time period may be extended for a reasonable amount of time, at the discretion of the Executive Director.

If a court order is delivered to the MS-HIN by this deadline, the MS-HIN will notify the requestor that the information is protected and cannot be furnished. If a court order is not obtained or if portions of the information are excluded from the court order, the MS-HIN releases all information not protected to the requestor once the deadline has passed and payment for the information has been received from the requestor.

Section 5. Assessment of Costs to Requestor.

Payment for information requested must be made in advance and must be sufficient to cover the actual costs for the MS-HIN and/or the customer agency/institution to furnish the information. Such costs include, but are not limited to, staff and/or counsel time to evaluate and research the request, to retrieve any relevant files, to organize the information, to notify any Third Parties, to develop a cost estimate and schedule, to reproduce the material, and to deliver the information requested. Payment must be in the form of a certified check, money order, or corporate check made payable to the MS-HIN for the amount specified. No cash or personal checks can be accepted. Should the actual cost of producing the requested information exceed the estimate provided, the requestor will be notified of the additional amount due before the MS-HIN provides the information.

Section 6. Requests for Standard Documents.

In order to save time and expense to the requestor, the MS-HIN has established a list of standard documents and rates for frequently requested information. The list of these documents and associated costs are in the Standard Documents portion of the Schedule of Fees shown below. It is not necessary to send the \$60 evaluation and research fee for Standard Documents.

Section 7. Special Requests.

When a public records request is received for information not on the list of Standard Documents, the MS-HIN staff will evaluate the request; research the project file and other sources to see what information is available and in what format the information is stored; and estimate the effort that will be required to reproduce the information. This research may require the retrieval of files that have been archived or the search of electronic records. The MS-HIN staff will then prepare a schedule and estimated cost for the public records request, based upon the volume of the information, the format in which the information is stored, and whether or not Third Party Information has been requested. The requestor must provide a payment of \$60 with the public records request to cover the first hour of staff time involved in researching the request, retrieving files, and preparing the estimate. This payment is non-refundable if the requestor decides not to proceed with the request after receiving the schedule and estimated cost.

Please note that the following types of public records requests tend to require additional research and staff time and can have significant cost associated with filling the request:

(1) Requests with Large and/or Nonspecific Scope:

The less defined and/or more inclusive the scope of the public records request, the more documents and files have to be searched and evaluated by the MS-HIN staff. For example, wording in requests asking for "all records, papers, documents, messages, correspondence, notes, etc. related to this or similar projects" is extremely open-ended and requires staff to interpret what time-frame, sources of information, and project files are reasonable to research and evaluate. The wider the "net," the greater the effort required, and, thus, the greater the cost to the requestor.

(2) Postponing a Request:

Sometimes the requestor will submit a public records request and then not respond with payment during the required time frame once the schedule and estimate are provided. If the requestor later decides to proceed with the request, the MS-HIN staff must again locate the information and develop a new schedule and cost estimate. The requestor must submit a new request with the \$60 initial payment.

(3) Delays in Requesting Information:

Project files may be archived off-site after a reasonable time period. Requests for information on projects for which a contract has been signed for several months are typically more expensive to respond to than requests for information on projects that have been recently awarded. The MS-HIN reserves the right to use temporary personnel and services, the cost of which will be passed on to the requestor, if sufficient in-house personnel are not available to respond to the request in a timely manner.

The charges for the MS-HIN to fulfill public records requests are based upon the following:

Section 8. Schedule of Fees **Standard Documents:**

Printed Copy of RFPs	\$25, plus actual cost of reproducing any oversized diagrams or other special attachments
Copy of RFPs on CD in Microsoft Word format	\$25 for Word document; any oversized diagrams or other special attachments will be reproduced on paper or electronically at actual cost

Paper copy of a project contract, excluding confidential exhibits	\$25
Special Requests and Variable Costs:	
Evaluation & research payment	\$60
(Due with the submission of Public Records requests for special requests and is applied toward the actual cost of filling the Public Records request)	
Fees for fulfilling Special Requests, based on the expense categories below:	Quoted individually upon receipt of written request and \$60 evaluation and research payment (above).
In-house photocopies	\$0.20 per page (paper/copier fee); actual cost for color copies
CD (with .doc, .xls, or .pdf files of requested information)	\$5.00 per CD (media fee)
Postage, UPS, Federal Express*	Actual Cost
Staff time	Actual staff time required to provide

ARTICLE VI

AMENDMENTS

The MS-HIN Board may adopt amendments to these bylaws by a vote of two thirds vote of the members present. Proposed amendments will be provided to the MS-HIN board seven days before voted on and will follow the Public Records Act for final adoption.